

## Message Text

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ORIGIN EB-07

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: CIVAIR - INFORMAL U.S.-U.K. DISCUSSIONS

1. INFORMAL DISCUSSIONS BETWEEN ROGERS (UK DOT)  
AND DEPUTY ASSISTANT SECRETARY WALDMANN AUGUST 20-  
22 COVERED NUMBER CIVAIR SUBJECTS. RECORD OF  
DISCUSSIONS (TRANSMITTED SEPTTEL) PROVED VERY  
DIFFICULT TO NEGOTIATE AND, IN THE END, U.S.  
AGREED SIGN ONLY AFTER ROGERS PERSISTED AND MADE  
SOME CONCESSIONS. WHILE MOST ITEMS IN STATEMENT  
ARE SELF-EXPLANATORY, FOLLOWING ADDITIONAL REMARKS  
MAY BE HELPFUL TO EMBASSY:

A. U.S. WANTED A COMMITMENT TO NEGOTIATE CHARTER  
BILATERAL AND WE LINKED THIS TO UK INTEREST IN  
GUARANTEEING BCAL'S CHARTER AUTHORITY. HOWEVER,  
ROGERS WOULD NOT MAKE SUCH AN EXPLICIT COMMITMENT  
BECAUSE OF OBLIGATIONS TO ECAC AND BECAUSE HE SAID  
UK WOULD NOT BE READY PURSUE BROAD CHARTER ISSUES  
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FOR AT LEAST SIX MONTHS. SINCE HE WOULD NOT GO AS

FAR AS WE WANTED IN PARA 6 (EVEN THOUGH HE EVENTUALLY AGREED DISCUSS CHARTER ISSUES IN EARLY AUTUMN), OUR STATEMENT RE BCAL WAS WATERED DOWN.

B. ALTHOUGH ROGERS TRIED TO MAKE IT APPEAR THAT STATEMENT ON LAKER HELPED U.S., IT WAS CLEAR THAT HE WANTED STATEMENT VERY BADLY FOR HIS OWN REASONS. STATEMENT AS IT APPEARS WAS LESS FORTHCOMING THAN ROGERS WANTED, BUT HE WAS SATISFIED.

C. PARA 3 ON CAPACITY INTRODUCED BECAUSE OF ROGERS' CONCERN THERE WAS NO CAPACITY ACCORD ON MIAMI-LONDON FOR THIS WINTER. HE PRESSED THAT NATIONAL MAKE THE NECESSARY CONCESSIONS, WHILE WE SAID BA COULD EQUALLY CONCEDE.

D. ROGERS WAS ORIGINALLY WILLING SAY ONLY THAT HE WOULD CONSIDER FEDDERS CHARTERS "FURTHER" BECAUSE HE ALLEGED PAN AM MAY HAVE MISREPRESENTED FACTS TO UK AUTHORITIES. WE SAID OUR INFO DID NOT SUPPORT THIS CONTENTION, THAT CAB HAD GRANTED WAIVER TO PAN AM, AND THAT WE SAW NO SUBSTANTIVE REASONS WHICH SHOULD BAR UK APPROVAL. ROGERS AGREED SAY "CONSIDER SYMPATHETICALLY" AS ONE OF LAST-MINUTE CONCESSIONS.

2. THREE OTHER ITEMS WERE DISCUSSED BUT, BECAUSE NO AGREEMENT ON LANGUAGE COULD BE REACHED, WERE NOT MENTIONED IN JOINT STATEMENT.

A. WE SAID WE WERE CONCERNED OVER WAITING UNTIL NOVEMBER TO FIND OUT IF UK WISHED TO CONSULT ON TWA'S DESIGNATION ON THE LONDON-VIENNA SEGMENT OF ROUTE 2. ROGERS SAID THAT, IF PRESSED NOW, UK WOULD HAVE TO REQUEST CONSULTATIONS AND PROBABLY OBJECT, EVEN THOUGH IT COULD NOT DETERMINE WHETHER THERE MIGHT BE A PROBLEM UNTIL IT TALKED WITH AUSTRIA IN NOVEMBER. WE THEREFORE DECIDED NOT TO INCLUDE ANYTHING IN JOINT STATEMENT ON THIS.

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B. WE SUGGESTED UK NOT TAKE FURTHER ACTION AGAINST SEABOARD ON PARIS-LONDON ROUTING QUESTION UNTIL BOTH SIDES HAD ATTEMPTED NEGOTIATE ISSUE. HOWEVER, WHEN WE LEARNED ON THIRD DAY OF TALKS THAT DOT HAD ALREADY TAKEN ACTION (AND AFTER COMPLAINING THAT ROGERS HAD BEEN LESS THAN CANDID WHEN ISSUE DISCUSSED ON FIRST DAY), WE DECIDED NOT INCLUDE ANYTHING IN JOINT STATEMENT.

C. ROGERS WANTED INCLUDE A PARA ON COMMISSION RATES WHICH IMPLIED AGREEMENT ON SOME ASPECTS AND WHICH LEFT PHILOSOPHICAL IMPLICATIONS WHICH WERE UNACCEPTABLE. IN FACT, THERE WAS NO SUBSTANTIVE AGREEMENT. WHILE ROGERS DID NOT PRESS QUESTION OF

SALES IN U.S. (IMPLYING HE WOULD NOT FORCE PAN AM TO COMPLY), HE INSISTED PAN AM MUST DO SO FOR SALES WITHIN UK AND IN THIRD COUNTRIES. WE ACCEPTED FORMER (SUBJECT TO NON-DISCRIMINATORY TREATMENT) BUT SAID WE COULD NOT ACCEPT RIGHT TO REGULATE PAN AM IN THIRD COUNTRIES. WE NOTED THAT, UNLESS UK VARIED PERMITS ALL AIRLINES IN UK OR REMOVED VARIATION FROM PAN AM'S PERMIT, UK WOULD BE DISCRIMINATING AGAINST PAN AM, AT LEAST IN A LEGAL SENSE. ROGERS ARGUED THAT UK WOULD GET AFTER ANYONE WHO DID NOT COMPLY WITH DOT'S AUGUST 18 PRESS NOTICE, BUT SAID PAN AM, HAVING BEEN ONLY AIRLINE TO CHALLENGE UK, WOULD HAVE TO BE FIRST TO COMPLY. DISCUSSION WAS THUS INCONCLUSIVE. FYI: PAN AM PLANS TO ADVISE UK SHORTLY THAT IT WILL COMPLY FOR SALES IN UK IF UK TREATS ALL AIRLINES ON NON-DISCRIMINATORY BASIS. END FYI. INGERSOLL

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